

United States Senate

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September 24, 2009

The Honorable Loretta King  
Office of the Assistant Attorney General  
Civil Rights Division  
U.S. Department of Justice  
950 Pennsylvania Avenue  
Washington, D.C. 20530

Dear Acting Assistant Attorney General King:

Thank you for your letter of September 4, 2009, responding to my letters of July 10, 2009 and July 14, 2009, urging the Civil Rights Division to determine whether a violation of Title II of the Civil Rights Act of 1964 occurred in the Valley Swim Club's ejection of some 56 African American and Hispanic children from its pool this past June. I write to commend you for opening a Title II investigation into the alleged discrimination as I suggested to you in my prior letters.

I hereby enclose, for your reference, a Philadelphia Inquirer story dated September 23, 2009, reporting that a Pennsylvania Human Relations Commission investigation found that the Valley Swim Club "discriminated in June when it revoked an agreement to allow a Northeast Philadelphia day camp to use its pool after 56 African American and Hispanic children made their first visit." The email and other evidence summarized in the Human Relations Commission report is very troubling and suggests that your concerted attention to this matter is warranted.

I look forward to the conclusion of the Justice Department's investigation.

Sincerely,

  
Arlen Specter

AS/hk

*Good work in moving  
to investigate this  
matter. Involvement  
of the Dept of Justice  
plus the Human Relations  
Comm will give the  
public greater  
assurance.*



Posted on Wed, Sep. 23, 2009

## Pa. finds bias at Montco swim club

**The Valley Club acted out of "racial animus" in telling campers not to return, a report said.**

By Derrick Nunnally

Inquirer Staff Writer

A state investigation found that a Montgomery County swim club racially discriminated in June when it revoked an agreement to allow a Northeast Philadelphia day camp to use its pool after 56 African American and Hispanic children made their first visit.

"The racial animus . . . and the racially coded comments" by club members at the Valley Club in Huntingdon Valley were the reasons the club revoked Creative Steps Inc.'s contract, according to a 33-page report by the Human Relations Commission that was released last night by an attorney for four of the campers.

The situation elicited a national media firestorm during the summer over allegations that members of a swim club in a historically white suburb withdrew permission to allow minority children into their pool - even after a \$1,950 check had been delivered to pay for the children to have weekly swimming trips.

The children had reported hearing racial comments after they arrived at the club June 29.

The commission's report examined Valley Club leaders' actions, including members' e-mails, both before and after the Creative Steps trip to the pool.

In an e-mail to another Valley Club official, board member George Whitehill wrote, "Race is an issue since every e-mail of complaint mentioned race, although stating that, race had nothing to do with the complaint. It only takes one out of the 120 parents to make this an issue, and at no cost to them," according to the report.

The commission ordered the club to pay a \$50,000 civil penalty for discrimination against one child, whose parents filed the complaint.

The child, whose name was withheld from the copy of the report obtained by The Inquirer, had reported hearing racial comments after the group arrived at the club June 29, and the state

report notes that the club had no African American members in 2008 or 2009.

The report also orders Valley Club to pay other damages, including reimbursing the parent who filed the complaint for all related expenses. If there is no settlement between the parent and the club, either party can request a public hearing before the commission. Any findings can be challenged in court.

The \$50,000 civil penalty is to be paid to state government, under terms of the finding.

Creative Steps attorney Brian Mildenberg said that because the fine is for the club's discrimination against one child, it could be greatly increased - into the millions of dollars - if applied equally to the cases of the dozens of other children who also lost the chance to swim at Valley Club. "If the award stuck on appeal," Mildenberg said, "that would shut them down."

In a brief phone interview, Valley Club president John G. Duesler Jr. said he had not seen the report and did not know of its findings. Valley Club attorney Joe Tucker said the report's conclusion that the club practiced racism was incorrect and would be appealed.

"Because of the mischaracterization of the media, the Human Relations Commission was under too much pressure to find anything but what they found," Tucker said. "It was a fait accompli once the media got ahead of the facts."

The Human Relations Commission report said the club had 155 paid memberships in 2009 and 179 in 2008, none held by an African American. Additionally, the report noted that when Valley Club tried in 2009 to expand its membership by recruiting in areas outside its township - Lower Moreland, which has a 0.8 percent black population - mailings were "mainly directed at areas with overwhelmingly Caucasian populations," including Rhawnhurst, Fox Chase, and Churchville.

The relatively diverse townships of Cheltenham and Abington, like other nearby areas with "significant African American populations," the report says, were passed over.

Creative Steps director Alethea Wright, the report said, had found Valley Club through the Internet when seeking a replacement for the New Frankford Community YMCA, where campers swam in 2007 and 2008 before it closed this year. The report noted that the club had hosted other groups of similar size to the Valley Club group without apparent incident, and that Wright had told Duesler in advance the number of children she would bring to the 260-bather-capacity pool.

It also noted that when the children were at the pool, one child recognized member Michelle Flynn, a teacher at Laura H. Carnell Elementary School, and reported that she said, "What are all of these black kids doing here?"

After the campers left, the report said, one club member threatened to rethink his membership, and e-mails circulated about the matter.

Valley Club "failed to promptly and effectively investigate the allegations of comments of a racial nature, and Mr. Duesler dismissed Ms. Flynn's comments by stating he had a tough time believing it," the report said.

Duesler also feared, according to the report, that Flynn, who was a leader in Valley Club's recruiting, "and a large number of people would cancel their memberships" if the Creative Steps contract was not terminated.

Human Relations Commission executive director Homer C. Floyd said last night that the agency does not comment on its investigations, though the parties involved are free to distribute the findings.

Contact staff writer Derrick Nunnally at 610-313-8212 or [dnunnally@phillynews.com](mailto:dnunnally@phillynews.com).

Inquirer staff writer Troy Graham contributed to this article.

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Civil Rights Division

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Office of the Assistant Attorney General

Washington, D.C. 20530

SEP 04 2009

The Honorable Arlen Specter  
United States Senate  
Washington, D.C. 20510

Dear Senator Specter:

This responds to your letter, dated July 10, 2009, to the Department of Justice concerning allegations reported in the news media that the Valley Swim Club, in Huntingdon Valley, Pennsylvania, engaged in discrimination against black and Hispanic children of Creative Steps, a day camp in Philadelphia, who had visited the Club. You enclosed a copy of a letter, dated July 9, 2009, that you sent to John Duesler, who is the president of the Club. You asked the Department to review this matter and determine what action, if any, is warranted.

The Department is authorized to enforce Title II of the Civil Rights Act of 1964, which prohibits discrimination on the basis of race, color, religion, or national origin in places of public accommodation, including any place of entertainment. 42 U.S.C. § 2000(b)(2). The Department has opened a Title II investigation into the alleged discrimination by the Valley Swim Club. You may be assured that the Department is committed to conducting a thorough, fair and expeditious investigation of this important matter.

We hope this information is helpful. Please do not hesitate to contact the Department if we may be of assistance with this, or any other matter.

Sincerely,

Loretta King  
Acting Assistant Attorney General

United States Senate

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Honorable Loretta King  
Office of the Assistant Attorney General  
Civil Rights Division  
Department of Justice  
Washington, DC 20530

July 14, 2009

Dear Acting Assistant Attorney General King:

I write as a follow-up on my letter to you dated July 10, 2009 concerning incidents at the Valley Swim Club in Huntingdon Valley, a suburb of Philadelphia.

On July 12<sup>th</sup>, I met separately with Drs. John and Bernice Duesler, representatives of the swim club, and Ms. Alethea Wright, Director of Creative Steps. In those meetings, I sought to determine what the facts were on the media reports of racial comments directed at the African American and Hispanic children who were swimming at the club. There were conflicting accounts as to what occurred.

In my letter to Dr. Duesler of July 8, which I sent to you along with my letter on July 10, I raised the prospect of the swim club readmitting the children to swim while cautioning that it might not be the end of the matter from the point of view of Creative Steps and the parents of the children. During the course of my meetings with both sides on July 12, I again raised the issue of whether the matter could be resolved on an amicable, satisfactory basis. I talked again yesterday with Dr. Duesler, who said the swim club would be interested in resolving the matter by bringing the children back to swim. I was unable to reach Ms. Wright yesterday, but her attorney advised my deputy late last evening that Creative Steps and the parents intended to pursue a class action in court.

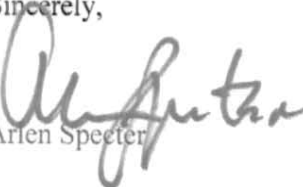
On this state of the record, I suggest that the Civil Rights Division of the Department of Justice take a look at the matter with a view to determining what the facts are. It may be that the mediators of the Community Relations Service of the Civil Rights Division could help resolve the matter to the satisfaction of all parties. If not, the Civil Rights Division should determine what enforcement action, if any, should be undertaken.

This matter should put people everywhere on notice that racial discrimination is unacceptable in America.

If the parties can be reconciled, that would be desirable; but that is up to the parties themselves. Since the provisions of the Civil Rights Act of 1964 relating to public accommodations are involved, it is my view that it is an appropriate matter for review by the Civil Rights Division of the Department of Justice.

I would appreciate your keeping me informed of what your investigation discloses and what conciliation or other action you decide to undertake.

Sincerely,



Arlen Specter

Cc: The Hon. Ondray Harris, CRS

*Via Facsimile*

ARLEN SPECTER  
PENNSYLVANIA

United States Senate

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July 10, 2009

The Honorable Loretta King  
Office of the Assistant Attorney General  
Civil Rights Division, Department of Justice  
950 Pennsylvania Avenue, NW  
Washington, DC 20530

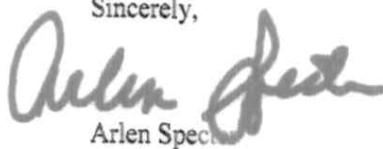
Dear Acting Assistant Attorney General King:

With this letter, I am enclosing a copy of a letter which I sent yesterday to the Mr. Jonathan Duesler, President of Valley Swim Club.

If these allegations are true, then there appears to be a violation of Title II of the Civil Rights Act of 1964.

I would appreciate it if you would review this matter to determine what action, if any, is warranted by the Civil Rights Division of the Department of Justice.

Sincerely,

  
Arlen Specter